

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

|  |   |                        |
|--|---|------------------------|
| SCOTT AND RHONDA BURNETT,              | ) |                        |
| RYAN HENDRICKSON, JEROD BREIT,         | ) |                        |
| SCOTT TRUPIANO, JEREMY KEEL,           | ) |                        |
| HOLLEE ELLIS, and FRANCES HARVEY,      | ) |                        |
| on behalf of themselves and all others | ) |                        |
| similarly situated,                    | ) |                        |
|  | ) | No: 4:19-cv-00332-SRB  |
| Plaintiffs,                            | ) |                        |
|  | ) |                        |
| v.                                     | ) |                        |
|  | ) | Judge Stephen R. Bough |
| THE NATIONAL ASSOCIATION OF            | ) |                        |
| REALTORS, REALOGY HOLDINGS             | ) |                        |
| CORP., HOMESERVICES OF AMERICA,        | ) |                        |
| INC., BHH AFFILIATES, LLC, HSF         | ) |                        |
| AFFILIATES, LLC, RE/MAX, LLC, and      | ) |                        |
| KELLER WILLIAMS REALTY, INC.,          | ) |                        |
|  | ) |                        |
| Defendants.                            |   |                        |

**STATUS REPORT**

Defendants HomeServices of America, Inc; BHH Affiliates, LLC; and HSF Affiliates, LLC (together, the "HomeServices Defendants") hereby submit the following Eighth Circuit Status Report pursuant to the Court's Order at Doc. 916 at 3. The appeal is fully briefed. Oral argument took place on April 12, 2023.

Dated: April 26, 2023

/s/Matthew T. Ciulla

Robert D. MacGill, *pro hac vice*

Matthew T. Ciulla, *pro hac vice*

Scott E. Murray, *pro hac vice*

Robert.MacGill@MacGillLaw.com

Matthew.Ciulla@MacGillLaw.com

MacGILL PC

156 E. Market St.

Suite 1200

Indianapolis, IN 46204

(317) 721-1253

Jay N. Varon, *pro hac vice*

Jennifer M. Keas, *pro hac vice*

jvaron@foley.com

jkeas@foley.com

FOLEY & LARDNER LLP

3000 K Street NW, Suite 600

Washington, DC 20007

(202) 672-5300

Brian C. Fries

bfries@lathropgage.com

LATHROP GAGE LLP - KCMO

2345 Grand Avenue, Suite 2200

Kansas City, MO 64108-2618

(816) 292-2000

*Counsel for Defendants*

*HomeServices of America, Inc., BHH*

*Affiliates, LLC, and HSF Affiliates,*

*LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served upon all counsel of record by virtue of the Court's CM/ECF system on April 26, 2023.

/s/Matthew T. Ciulla

One of HomeServices of America, Inc.'s Attorneys